

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FOURTH DAY (CONTINUED) — FRIDAY, MAY 23, 2003

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 662).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent — Heflin; Telford.

The invocation was offered by Dr. Jeff Burnett, pastor, First Baptist Church of Hurst, as follows:

Dear Heavenly Father, as you worked in Esther's life, I pray you will do a similar work for the men and women in this room. I pray they will have cooperative spirits serving shoulder to shoulder and side by side. I ask that you give them compassionate souls to care for those who cannot care for themselves—the young and old, and the feeble and the frail. I pray they will have courageous hearts so that they will make decisions based not upon political expediency, but will do that which is right in your eyes and that which is good for all Texans. They have come to this position for such a time as this. May they be leaders characterized by cooperation, compassion, and courage. May they lead Texas well. I ask this in Jesus' name. Amen.

CAPITOL PHYSICIAN

The speaker recognized Representative R. Cook who presented Dr. Russell Thomas of Eagle Lake as the "Doctor for the Day."

The house welcomed Dr. Thomas and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

INTRODUCTION OF GUEST

The speaker recognized Representative Farabee who introduced Brittany Wellsfry, Miss Teen Texas 2002. Ms. Wellsfry sang *The Star Spangled Banner*.

HCR 255 - ADOPTED

(by Craddick)

Representative West moved to suspend all necessary rules to take up and consider at this time **HCR 255**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 255, Honoring James L. Haley for his literary and historical achievements.

HCR 255 was read and was adopted without objection.

On motion of Representative Garza, the names of all the members of the house were added to **HCR 255** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative West who introduced James L. Haley.

(Hughes in the chair)

HR 1227 - ADOPTED

(by Baxter)

Representative Baxter moved to suspend all necessary rules to take up and consider at this time **HR 1227**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1227, Congratulating the Westlake High School girls' basketball team on its outstanding 2002-2003 season.

HR 1227 was adopted without objection.

HR 1228 - ADOPTED
(by Baxter)

Representative Baxter moved to suspend all necessary rules to take up and consider at this time **HR 1228**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1228, Congratulating Ebbie Neptune on his retirement as athletic director for Eanes Independent School District.

HR 1228 was adopted without objection.

HR 1084 - ADOPTED
(by Callegari)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 1084**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1084, Honoring Phillip and Julie Ann Dautrich of Katy on the birth of their son, Kason Lane Dautrich.

HR 1084 was adopted without objection.

(Heflin now present)

HR 1446 - ADOPTED
(by Heflin)

Representative Heflin moved to suspend all necessary rules to take up and consider at this time **HR 1446**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1446, Honoring Lillie Marie Alonzo Harrison on her community activism in Harris County.

HR 1446 was adopted without objection.

HR 1447 - ADOPTED
(by Heflin)

Representative Heflin moved to suspend all necessary rules to take up and consider at this time **HR 1447**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1447, Honoring A. B. Chambers of Harris County on his professional and civic contributions.

HR 1447 was adopted without objection.

(Edwards in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HCR 250 (by Branch), Congratulating Brent and Kindra Franklin of Arlington on the birth of their daughter, Brenna Kathryn Franklin.

HCR 253 (by Lewis), Honoring track and field legend Jim Hines for his remarkable athletic achievements.

HCR 255 was previously adopted.

HR 450 (by Craddick), Honoring Lee Branen Park of Midland on his 94th birthday.

HR 506 (by Uresti), Honoring veterans of the Korean War during the 50th anniversary commemoration of that conflict.

HR 599 (by Luna), Recognizing September 2003 as Ovarian Cancer Awareness Month in Texas.

HR 972 (by Villarreal), Commending William R. Sinkin of San Antonio for his contributions to his community and state.

HR 1023 (by Rodriguez), Honoring the Children's Sports Foundation.

HR 1025 (by Wise), Honoring the High School for Health Professions in Mercedes for being named a National Title I Distinguished School by the U.S. Department of Education.

HR 1045 (by Gallego), Congratulating the Sul Ross State University men's basketball team on its outstanding season.

HR 1049 was previously adopted.

HR 1050 was withdrawn.

HR 1051 (by Hamilton), Congratulating Steve Worster on his induction into the SBC Cotton Bowl Classic Hall of Fame.

HR 1052 (by Castro), Honoring Richard Garcia, former president of the Memorial Heights Neighborhood Association in San Antonio.

HR 1053 (by Castro), Honoring Mary Lee Reyna and the Loma Terrace Neighborhood Association in San Antonio.

HR 1054 (by Castro), Honoring Art Delgado and the Memorial Heights Neighborhood Association in San Antonio.

HR 1055 (by Castro), Honoring Pascal Hutzler and the Thunderbird Hills Neighborhood Association in San Antonio.

HR 1058 (by Castro), Honoring Lulu Francois and the Culebra Park Neighborhood Association in San Antonio.

HR 1059 (by Castro), Honoring Teri Kilmer and the Loma Park Neighborhood Association in San Antonio.

HR 1060 (by Castro), Honoring Rosemary Perez, former president of the Culebra Park Neighborhood Association in San Antonio.

HR 1061 (by Castro), Honoring the Misty Oaks Homeowners Association of San Antonio.

HR 1062 (by Castro), Honoring the Community Workers Council of San Antonio for its community service.

HR 1063 (by Castro), Honoring Joan Price and the Ingram Hills Neighborhood Association in San Antonio.

HR 1064 (by Castro), Honoring Northwest Neighborhood Alliance in San Antonio.

HR 1065 (by Castro), Honoring the Braun Hollow Neighborhood Association of San Antonio.

HR 1066 (by Castro), Honoring the Braun Station West Homeowners Association of San Antonio.

HR 1067 (by Coleman), Recognizing Anita S. Jones for her efforts to raise awareness regarding chronic fatigue syndrome.

HR 1075 (by J. Keffer), Recognizing Frances Ann Day Moyers for her contributions to preserving Texas history.

HR 1077 (by Smithee), Congratulating the Honorable John T. Boyd of Amarillo on the occasion of his retirement from the Seventh Court of Appeals.

HR 1080 (by Bohac), Honoring John Rainey Lanham of Houston for achieving the rank of Eagle Scout.

HR 1081 (by Bohac), Congratulating Elizabeth Alford on being named the 2003 Spring Branch Independent School District Elementary Teacher of the Year.

HR 1082 (by Bohac), Honoring Robert Springer and the former Tricia Brugger on their wedding.

HR 1084 was previously adopted.

HR 1085 (by Keel), Honoring Karen Calvert of Austin on her 50th birthday.

HR 1090 was withdrawn.

HR 1093 (by Bohac), Honoring Roland Henneke Kapalski on becoming an Eagle Scout.

HR 1094 (by Bohac), Honoring Daniel Herrmann on becoming an Eagle Scout.

HR 1095 (by Bohac), Honoring Kevin Joseph Boehm of Houston on becoming an Eagle Scout.

HR 1096 (by Bohac), Honoring Dustin Wright Decker of Houston for attaining the rank of Eagle Scout.

HR 1098 (by Bohac), Honoring Janet Dobbs as Spring Branch ISD's 2003 Secondary School Teacher of the Year.

HR 1099 (by Bohac), Congratulating Larry Keast on the opening of his new Venturetech manufacturing facility in Houston.

HR 1101 (by Bohac), Congratulating the Spring Woods High School "A Scene from Above" team on their success.

HR 1102 (by Bohac), Honoring Afghan refugee Farishta Ali and her essay on the meaning of American freedom.

HR 1103 (by Bohac), Honoring Ruby Page of Houston on her 90th birthday.

HR 1108 (by Merritt), Congratulating John Becker on being named the 2003 Lindale Citizen of the Year.

HR 1109 (by Merritt), Honoring Jared Hargrave of Kilgore on his selection as boys soccer player of the year by the Kilgore News Herald.

HR 1112 (by P. Moreno), Recognizing the Plaza Theatre in El Paso as a treasure of Texas history within the context of movie theater architecture and development in the United States.

HR 1116 (by Hughes), Honoring Marc Cohen and Patrick Walsh for their heroism in saving the life of a woman suffering from a seizure while driving and congratulating them on their receipt of the ALERT Academy commendation.

HR 1128 (by Bohac), Commending Sam and Susan Torn of Camp Ozark for inspiring generations of Texas youth.

HR 1129 (by Hughes), Honoring Charles Everett Dean on his retirement as mayor of Gilmer.

HR 1131 (by Griggs), Congratulating Georgene Mais on her retirement as director of elementary education for the Birdville Independent School District.

HR 1139 (by Quintanilla), Honoring Gerald Ames, Tornillo I.S.D. Secondary Teacher of the Year.

HR 1140 (by Quintanilla), Honoring El Paso political activist Gina Rodriguez.

HR 1141 (by Quintanilla), Honoring Jackie Butler, Tornillo ISD Elementary Teacher of the Year.

HR 1142 (by Quintanilla), Congratulating Guillermo "Willie" Gandara on his appointment as president of the Socorro ISD.

HR 1143 (by Quintanilla), Congratulating William and Marie Rutherford of Horizon City on their 54th wedding anniversary.

HR 1144 (by Quintanilla), Congratulating Victoria Elena Pena Spoon on receiving her master's degree from The University of Texas at El Paso.

HR 1146 (by Quintanilla), Congratulating Martha Contreras on her appointment as vice president of the Socorro ISD.

HR 1148 (by Quintanilla), Honoring Sharon Thomas as a 2002-2003 Teacher of the Year for Fabens ISD.

HR 1149 (by Quintanilla), Honoring Laura Avalos as a 2002-2003 Teacher of the Year for Fabens ISD.

HR 1150 (by Quintanilla), Honoring Irma Zepeda as Teacher of the Year 2002-2003 in secondary education at the Clint Independent School District.

HR 1151 (by Quintanilla), Honoring Olga Hernandez as a 2002-2003 Teacher of the Year for Fabens ISD.

HR 1152 (by Quintanilla), Honoring Karen Trautman as a 2002-2003 Teacher of the Year for Fabens ISD.

HR 1153 (by Quintanilla), Congratulating Joseph Soria on his election to the Tornillo I.S.D. Board of Trustees.

HR 1154 (by Quintanilla), Honoring Barbara Perez on her election to the Socorro ISD board of trustees.

HR 1155 (by Quintanilla), Honoring Lucia McGuire as Teacher of the Year for 2002-2003 in elementary education at the Clint Independent School District.

HR 1156 (by Quintanilla), Honoring Penny Jones as a 2002-2003 Teacher of the Year for Fabens ISD.

HR 1157 (by Quintanilla), Honoring Sylvia Gonzalez on her election to Fabens ISD Board of Trustees.

HR 1163 (by Bohac), Honoring Lois Stromberg for her work as a Neighborhood Liaison during the 78th Texas Legislative Session.

HR 1164 (by Bohac), Honoring Wes Krueger of Houston as a Neighborhood Liaison.

HR 1165 (by Hughes), Honoring the Pittsburg Middle School band for receiving the UIL sweepstakes award.

HR 1173 (by Merritt), Honoring the Pine Tree High School UIL academic team for its performance at the state championship.

HR 1174 (by J. Keffer), Honoring Rod Tate of Early on his retirement from teaching.

HR 1175 (by J. Keffer), Honoring Bette Armstrong, the Toad Lady of Eastland County, for her many years of volunteer service in behalf of the community.

HR 1177 (by Nixon), Recognizing Christopher Albert "Chris" Lemming of Houston for attaining the rank of Eagle Scout.

HR 1178 (by Nixon), Recognizing Benjamin James "Ben" Lemming of Houston for attaining the rank of Eagle Scout.

HR 1179 (by Nixon), Recognizing Michael Joseph "Mike" Lemming of Houston for attaining the rank of Eagle Scout.

HR 1182 (by Woolley), Recognizing May 11-17, 2003, as Transportation Week in Texas.

HR 1184 (by Pitts), Honoring Laura Cross of Midlothian High School for winning the individual 4A UIL state championship gold medal in golf.

HR 1185 (by Hughes), Honoring Major General Vernon B. Lewis, Jr., and Patsy Jean Lewis on their 50th wedding anniversary.

HR 1188 (by Hill), Congratulating John DeMattia on his 50th birthday.

HR 1189 (by Hill), Congratulating A. R. "Art" Roberts on being named 2002 Citizen of the Year in Richardson.

HR 1190 (by Quintanilla), Congratulating James Richard Pendell on his appointment to the Texas School Safety Center Board.

HR 1191 (by Pitts), Honoring Valerie Reese of Waxahachie for her selection by the Texas Association of Secondary School Principals (TASSP) as a member of the TASSP All-State Academic Excellence Team.

HR 1195 (by Hughes), Honoring the members of the Union Grove High School Marching Band of Gladewater for their success at UIL competition.

HR 1198 (by Lewis), Congratulating Charles L. Harvey on receiving the Marvin Sanders Gold Whistle Award.

HR 1199 (by Lewis), Commending the newly inducted members of the Dunbar Middle School National Junior Honor Society.

HR 1202 (by Castro), Honoring Ray Benke, Oscar Cortez, and Jose Hinojosa on their receipt of the Freedom Medal and the Korean War Commendation Medal.

HR 1208 was previously adopted.

HR 1224 (by J. Jones), Honoring the Pleasant Grove Weed and Seed Program and its site coordinator, Hellen Louise Johnson.

HR 1225 (by J. Jones), Honoring the Reverend C. B. T. Smith of Dallas.

HR 1226 (by J. Jones), Paying tribute to Dr. Caesar A. W. Clark, Sr., for his longtime service to the citizens of Oak Cliff.

HR 1236 (by Craddick), Congratulating Thurston and Virginia O'Neil of Midland on their 50th wedding anniversary.

HR 1237 (by Craddick), Congratulating Bob and Peggy Gault of Midland on their 50th wedding anniversary.

HR 1238 (by Craddick), Congratulating Gayle and Jane Blacklock of Midland on their 50th wedding anniversary.

HR 1239 (by Craddick), Honoring G. M. "Corky" Rhea and Patsy Rhea of Midland on their 50th wedding anniversary.

HR 1240 (by Craddick), Honoring Pete and Opal Matthews of Midland on their 60th wedding anniversary.

HR 1241 (by Craddick), Honoring Jack and Wanda McGraw of Midland on their 50th wedding anniversary.

HR 1242 (by Craddick), Honoring Homer and Theresa Lowe of Midland on their 58th wedding anniversary.

HR 1243 (by Craddick), Congratulating Walter and Shirley O'Neal of Midland on the occasion of their golden wedding anniversary.

HR 1244 (by Craddick), Honoring Fred and Bobbye Dumas of Midland on their 50th wedding anniversary.

HR 1245 (by Craddick), Congratulating Dorothy and Thomas Dollahite of Midland on the occasion of their golden wedding anniversary.

HR 1246 (by Craddick), Honoring Sherrill and Marie Easley of Odessa on their 60th wedding anniversary.

HR 1247 (by Craddick), Honoring Keith and Nona Armstrong of Odessa on their 50th wedding anniversary.

HR 1248 (by Craddick), Honoring S. V. and Faye Casey on their 60th wedding anniversary.

HR 1249 (by Craddick), Honoring Marshall and Patricia Middleton of Lubbock on their 50th wedding anniversary.

HR 1250 (by Craddick), Honoring John and Helen Hayes on their 50th wedding anniversary.

HR 1251 (by Craddick), Honoring James and Mimi Blackmon of Horseshoe Bay on their 50th wedding anniversary.

HR 1252 (by Craddick), Congratulating Ed Todd of the Midland Reporter-Telegram on the occasion of his retirement.

HR 1254 (by Craddick), Honoring Mary Alice and Alex Link of Midland on their 60th wedding anniversary.

The resolutions were adopted without objection.

The following memorial resolutions were laid before the house:

HCR 7 (by Gallego), In memory of Jose Ricardo Nevarez of Uvalde.

HCR 9 (by Gallego), In memory of Amaro Cardona of Uvalde.

HCR 251 (by Smithee), In memory of U.S. Air Force Captain Eric Bruce Das of Amarillo.

HR 846 (by Hilderbran), In memory of Elvira Hodge of Boerne.

HR 847 (by Hilderbran), In memory of Emma Caraway of Fort Worth.

HR 855 (by Callegari), Honoring the life of Bea Baker of Houston.

HR 884 (by Callegari), In memory of Jim Di Iorio of Katy.

HR 889 (by Gallego), In memory of Chief Warrant Officer Johnny Villarreal Mata of Pecos.

HR 908 (by Dutton), In memory of Mollie Taylor Stevenson of Houston.

HR 913 (by Hochberg), In memory of the Reverend Carroll Thomas Cole, Sr., of New Braunfels.

HR 920 was withdrawn.

HR 921 (by Chavez), In memory of Private First Class Howard Johnson II of Mobile, Alabama.

HR 922 (by Chavez), In memory of Sergeant Donald R. Walters of Kansas City, Missouri.

HR 923 (by Chavez), In memory of First Sergeant Robert J. Dowdy of DeRidder, Louisiana.

HR 924 (by Chavez), In memory of Private Brandon Ulysses Sloan of Bedford Heights, Ohio.

HR 925 (by Chavez), In memory of Jamaal R. Addison of Roswell, Georgia.

HR 926 (by Chavez), Honoring the life of U.S. Army Specialist James Kiehl.

HR 946 (by Chisum), In memory of Clyde Carruth of Pampa.

HR 947 (by Uresti), In memory of Pablo Navarro of Zapata County.

HR 950 (by Bohac), In memory of Martha Humphries of Houston.

HR 953 (by Bohac), In memory of James G. Kmiecik of Houston.

HR 962 (by McCall), Honoring the life of Gerald H. "Jerry" Goldwyn of Dallas.

HR 964 (by Woolley), In memory of Corporal Brian Matthew Kennedy of Houston.

HR 969 (by Wilson), In memory of musician Herbert William McKinny.

HR 970 (by Wilson), In memory of Curtis Donnell "Big Mello" Davis of Houston.

HR 974 was previously adopted.

HR 976 (by Hunter), Honoring the life of U.S. Army Chief Warrant Officer Scott Jamar of Granbury.

HR 1016 (by Hunter), Honoring the life of U.S. Navy Lieutenant Nathan White.

HR 1018 (by Pitts), In memory of Betty Sue Shelton Sawyer of Hill County.

HR 1044 (by Gallego), Honoring the life of David Dale Alloway of Alpine.

HR 1047 (by Kuempel), In memory of Dr. Gus K. Eifler, Jr., of Austin.

HR 1048 (by Kuempel), In memory of William H. "Bill" Ratz of Houston.

HR 1056 (by Farrar), In memory of Leroy Mouser of Houston.

HR 1057 (by Farrar), In memory of the Reverend Francis Strafalice of Houston.

HR 1072 (by Hilderbran), In memory of Wilburn Samuel Oatman of Llano.

HR 1073 (by Hilderbran), In memory of Gordon L. Hollon of Boerne.

HR 1074 (by J. Keffer), Honoring the late Marene Johnson-Johnson of Eastland and her stamp mural on National Flag Day, June 14, 2003.

HR 1097 (by Bohac), In memory of Ed B. Smith of Houston.

HR 1105 was previously adopted.

HR 1114 (by Dunnam), In memory of J. L. "Pete" Peters of Arlington.

HR 1117 was withdrawn.

HR 1137 (by Bonnen), In memory of Lee Arthur Wilson, Jr., of Brazoria County.

HR 1145 (by Quintanilla), In memory of Maria Isela Galvan of El Paso.

HR 1158 (by Quintanilla), In memory of Mary H. Dipp of El Paso.

HR 1159 (by Eissler), In memory of Lynn Stark.

HR 1160 (by Goolsby), In memory of Willie James Reed, Sr., of Austin.

HR 1162 (by Bohac), In memory of Calvin Christopher "Chief" Morris of Houston.

HR 1176 (by J. Keffer), In memory of Major Jay Thomas Aubin of the United States Marine Corps.

HR 1196 (by Lewis), In memory of Andrew Wayne Hoskings of Pflugerville.

HR 1220 (by Mowery and T. Smith), In memory of Rex McEntire of North Richland Hills.

HR 1235 (by Hilderbran), In memory of Albert Wadel Moursund III of Round Mountain.

HR 1253 (by Craddick), Honoring the life of Gracie Veloz Rayos of Midland.

HR 1257 was previously adopted.

HR 1260 (by Campbell), In memory of Justice of the Peace Jerry Bob Jennison of San Angelo.

The resolutions were unanimously adopted by a rising vote.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Bailey on motion of Garza.

HR 1451 - ADOPTED**(by Wong)**

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1451**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1451, Recognizing May 2003 as Asian Pacific American Heritage Month and paying special tribute to the countless contributions made to the Lone Star State by Texans of Asian and Pacific Islander descent.

HR 1451 was adopted without objection.

HR 1450 - ADOPTED**(by Dukes)**

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 1450**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1450

WHEREAS, Pamela Ann McPeters, chief of staff for the Honorable Dawnna Dukes, is a skilled and conscientious employee of the Texas House of Representatives; and

WHEREAS, Each day of her employment, Ms. McPeters willingly makes the extensive commitment required of legislative employees, and while this involvement at times can prove demanding, it continues to produce meaningful work and has led to some lasting new friendships; and

WHEREAS, Beginning her state service during the 77th Legislative Session, Ms. McPeters was working for the House Public Education Committee when she made the acquaintance of Phillip Travis Golden, who was serving as legal counsel for the House State Affairs Committee; and

WHEREAS, Drawn together by an abiding interest in Texas politics, the couple had their first date on March 8, 2001, and their relationship has since deepened into one of mutual respect, understanding, admiration, and love; and

WHEREAS, Mr. Golden has come to recognize how fortunate he is to have met Ms. McPeters: he admires her for her beauty, both inside and out, and he realizes that he can't envision a future without her by his side; now, therefore, be it

RESOLVED, That the House of Representatives of the 78th Texas Legislature hereby officially deliver the marriage proposal of Phillip Travis Golden, who humbly awaits the answer of his beloved, Pamela Ann McPeters, to the question of whether she will marry him and agree to become his lawfully wedded wife.

HR 1450 was read and was adopted without objection.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 1450** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Dukes who introduced Pamela McPeters and Phillip Golden. Mr. Golden proposed to Ms. McPeters who accepted.

(Speaker pro tempore in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of family business:

Riddle on motion of McCall.

HCR 252 - ADOPTED

(by Corte)

Representative Corte moved to suspend all necessary rules to take up and consider at this time **HCR 252**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 252, Calling a joint session of the legislature to honor all Texans killed during Operation Iraqi Freedom.

HCR 252 was adopted without objection.

HCR 261 - ADOPTED

(by Corte)

Representative Corte moved to suspend all necessary rules to take up and consider at this time **HCR 261**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 261, Commemorating Memorial Day 2003.

HCR 261 was adopted without objection.

HR 1410 - ADOPTED

(by Garza)

Representative Garza moved to suspend all necessary rules to take up and consider at this time **HR 1410**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1410, Honoring Stephen Bradley Guillot II for his academic success.

HR 1410 was adopted without objection.

HR 1411 - ADOPTED
(by Garza)

Representative Garza moved to suspend all necessary rules to take up and consider at this time **HR 1411**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1411, Honoring Fernando Garza for his academic achievements.

HR 1411 was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Garza who introduced Fernando Garza and Stephen Bradley Guillot II.

HR 1453 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1453**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1453, In memory of U.S. Army Specialist Lori Ann Piestewa.

HR 1453 was unanimously adopted by a rising vote.

On motion of Representative Mowery, the names of all the members of the house were added to **HR 1453** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Gallego who introduced U.S. Olympian Todd Hays of Del Rio. Mr. Hays briefly addressed the house.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
SECOND READING

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

HB 1756 (by Hilderbran), A bill to be entitled An Act relating to the name, administration, operations, powers, and duties of the Menard County Water Control and Improvement District No. 1 and the Menard County Underground Water District.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Puente, Representative Hilderbran offered the following committee amendment to **HB 1756**:

Amend **HB 1756** by striking on page 9, line 7- page 10, line 1.

Amendment No. 1 was adopted without objection.

HB 3574 (by Wohlgemuth), A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, operations, and financing of the Johnson County Special Utility District.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Geren, Representative Wohlgemuth offered the following committee amendment to **HB 3574**:

Amend **HB 3574** as follows:

SECTION 11. On page 62, strike (b), lines 9-11.

Amendment No. 1 was adopted without objection.

HB 3582 (by Quintanilla), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Paseo del Este Municipal Utility Districts No. 1, 2, 3, 4, 5, 6, 7, 8, and 9 and to the authorization of bonds and the imposition of taxes; providing civil penalties.

HB 3587 (by Callegari), A bill to be entitled An Act relating to powers, duties, and name of the Energy Corridor Management District.

HB 3594 (by Gattis), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Williamson County Municipal Utility District No. 14.

HB 3598 (by Smithee), A bill to be entitled An Act relating to the Randall County Juvenile Board.

HB 3602 (by Bonnen), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Brazoria County Groundwater Conservation District.

HB 3606 (by W. Smith), A bill to be entitled An Act relating to the boundaries of the Baytown Area Water Authority and the validation of actions taken by the board of directors of the authority.

CSHB 3608 (by Krusee), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Northeast Williamson County Municipal Utility District.

CSHB 3610 (by Callegari), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Williamson County Municipal Utility District No. 15.

CSHB 3614 (by B. Brown), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Kingsborough Municipal Utility District No. 8 of Kaufman County.

HR 1454 - ADOPTED
(by Rose)

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HR 1454**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1454, Honoring the Southwest Texas State University women's basketball team for their achievements.

HR 1454 was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Rose who introduced the Southwest Texas State University women's basketball team.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
(consideration continued)

CSHB 3615 (by B. Brown), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Kingsborough Municipal Utility District No. 9 of Kaufman County.

CSHB 3616 (by B. Brown), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Kingsborough Municipal Utility District No. 7 of Kaufman County.

CSHB 3617 (by B. Brown), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Kingsborough Municipal Utility District No. 6 of Kaufman County.

CSHB 3618 (by B. Brown), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Kingsborough Municipal Utility District No. 5 of Kaufman County.

CSHB 3619 (by B. Brown), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Kingsborough Municipal Utility District No. 4 of Kaufman County.

CSHB 3620 (by B. Brown), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Kingsborough Municipal Utility District No. 3 of Kaufman County.

CSHB 3621 (by B. Brown), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Kingsborough Municipal Utility District No. 2 of Kaufman County.

CSHB 3622 (by B. Brown), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Kingsborough Municipal Utility District No. 1 of Kaufman County.

CSHB 3629 (by Bohac), A bill to be entitled An Act relating to the creation of the Spring Branch Area Community Improvement District; providing the authority to issue bonds.

CSHB 3635 (by Hughes), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Upshur County Groundwater Conservation District.

HB 3636 (by R. Cook), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Colony Municipal Utility District No. 1.

CSHB 3569 (by Hopson), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Rusk County Groundwater Conservation District.

CSHB 3601 (by Hopson), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Houston County Groundwater Conservation District.

HCR 219 (by Hughes), Designating Mineola as the official Birding Capital of East Texas.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hilderbran, Representative Hughes offered the following committee amendment to **HCR 219**:

Amend **HCR 219** as follows:

(1) On page 2, line 22, between "Texas" and the period insert "until January 31, 2005"

Amendment No. 1 was adopted without objection.

CSSB 253 (Pitts - House Sponsor), A bill to be entitled An Act relating to the applicability of the Texas Youth Camp Safety and Health Act to facilities or programs operated by or on the campus of an institution of higher education.

SB 349 (Pitts - House Sponsor), A bill to be entitled An Act relating to the intellectual property rights of the Department of Information Resources and certain other state agency intellectual property matters.

SB 367 (Callegari - House Sponsor), A bill to be entitled An Act relating to the dissolution of the Kuykendahl Road Public Utility District No. 1.

SB 368 (Callegari - House Sponsor), A bill to be entitled An Act relating to the dissolution of the Kuykendahl Road Public Utility District No. 2.

SB 369 (Callegari - House Sponsor), A bill to be entitled An Act relating to the dissolution of the Huffsmith Road Public Utility District.

SB 370 (Callegari - House Sponsor), A bill to be entitled An Act relating to extending the period for confirmation of the Harris County Municipal Utility District No. 386.

SB 371 (Callegari - House Sponsor), A bill to be entitled An Act relating to extending the period for confirmation of the Harris County Municipal Utility District No. 387.

SB 372 (Callegari - House Sponsor), A bill to be entitled An Act relating to extending the period for confirmation of the Harris County Municipal Utility District No. 388.

SB 374 (Flores - House Sponsor), A bill to be entitled An Act relating to the payment of certain wages by staff leasing services companies.

CSSB 381 (Capelo, Naishtat, Zedler, and Coleman - House Sponsors), A bill to be entitled An Act relating to food manufacturer and food wholesaler licensing requirements under the Texas Food, Drug, and Cosmetic Act.

CSSB 407 (Harper-Brown - House Sponsor), A bill to be entitled An Act relating to the liability of a governmental unit in the absence of a contract for fire or emergency services.

Representative Phillips moved to lay **SB 484** on the table subject to call.

The motion prevailed without objection.

SB 526 (Eissler - House Sponsor), A bill to be entitled An Act relating to the San Jacinto River Authority board of directors.

CSSB 533 (Elkins - House Sponsor), A bill to be entitled An Act relating to certain practices of debt collectors and credit bureaus.

Representative Lewis moved to lay **SB 592** on the table subject to call.

The motion prevailed without objection.

SB 607 (Hilderbran - House Sponsor), A bill to be entitled An Act relating to abandoned crab traps.

SB 608 (Ritter - House Sponsor), A bill to be entitled An Act relating to the creation of resident and nonresident fishing guide licenses.

SB 611 (McCall and Hopson - House Sponsors), A bill to be entitled An Act relating to printing a social security number on an identification card or other identification device; providing a civil penalty.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Elkins, Representative McCall offered the following committee amendment to **SB 611**:

Amend SECTION 2 of **SB 611** by adding:

(c) A person described in Section 149.001(b)(1) of the Finance Code may request a hearing before the Credit Union Commissioner for additional time to comply with this section. If the Commissioner makes a determination that the person is unable to comply with the provisions in this section by March 1, 2005 and has made a good faith attempt to comply with this section, the Commissioner shall issue an order for the person to take the actions required and provide for up to one year for the person to come into compliance with this section. Any person

not provided additional time to comply will be subject to all provisions of this section as of the effective date. Any hearing conducted and all materials related to such hearing are deemed confidential. Any request for a hearing shall be made not less than 60 days prior to March 1, 2005.

Amendment No. 1 was adopted without objection.

Representative McReynolds moved to lay **SB 643** on the table subject to call.

The motion prevailed without objection.

SB 692 (McReynolds, Capelo, Zedler, Naishtat, and Coleman - House Sponsors), A bill to be entitled An Act relating to emergency medical services providers reporting certain information to the Texas Department of Health.

Representative McReynolds moved to lay **SB 703** on the table subject to call.

The motion prevailed without objection.

SB 704 (Taylor - House Sponsor), A bill to be entitled An Act relating to the maximum inmate population of a facility operated by a city or county.

SB 719 (Corte - House Sponsor), A bill to be entitled An Act relating to authorizing a defense base development authority to use alternative methods for contracting for public improvement projects.

CSSB 721 (Solis - House Sponsor), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, financing, and annexation authority of the Cameron-Hidalgo-Willacy Regional Water Authority; authorizing the issuance of bonds; providing the power of eminent domain.

Amendment No. 1

On behalf of Representative Reyna, Representative Solis offered the following amendment to **CSSB 721**:

Amend **CSSB 721** as follows:

- (1) On page 3, line 13, strike "are" and substitute "were originally".
- (2) On page 6, strike lines 3-4 and substitute the following:
- (d) Any project undertaken by the authority must be consistent with the regional water plan.

Amendment No. 1 was adopted without objection.

SB 745 (Hope - House Sponsor), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the East Montgomery County Municipal Utility District No. 4.

Amendment No. 1

Representative Hope offered the following amendment to **SB 745**:

Amend **SB 745** as follows:

- (1) On page 5, line 15, insert new language as follows: Chapters 49 and 54,
- (2) On page 5, line 18, insert a new Section 12 as follows:

"SECTION 12. UTILITIES. The district may not impose an impact fee or assessment on the property, equipment, rights of way, facilities or improvements of an electric utility as defined by Section 31.002, Utilities Code, a gas utility as defined by Section 101.003 or 121.001, Utilities Code, a telecommunications provider as defined by Section 51.002, Utilities Code, or a cable operator as defined by 47 U.S.C. Section 522, as amended."

(3) Renumber sections accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Reyna offered the following amendment to **SB 745**:

Amend **SB 745** as follows:

(1) On page 1, line 10, immediately prior to the period, insert "or the Grand Lakes Municipality Utility District, as appropriate. A reference to one district in this Act shall be a reference to both districts unless otherwise expressly provided in this Act."

(2) On page 1, strike lines 13 and 14 and substitute: "No. 4, and a municipal utility district, to be known as the Grand Lakes Municipal Utility District are created in Montgomery County, subject approval at separate confirmation elections under Section 9 of this Act."

(3) On page 2, strike lines 2 and 3 and insert the following: "SECTION 4. BOUNDARIES. (a) For the Grand Lakes Municipal Utility District: A tract or parcel of land containing 1413.23 acres, more or less, BEING 1413.23 total acres of land consisting of "Tract One" and "Tract Two". Tract One being of all of "Common Reserve", Grand Lake Estates Section Two recorded in Cabinet "N", Sheet 79, Real Property Records, Montgomery County, Texas. Said Tract One containing 28.39 acres of land, more or less. Tract Two being a 1384.84 acre tract of land, situated in the Archibald Hodge Survey, A-18, the John Sealy Survey, A-758, the Matthew Cartwright Survey A-135, and the Charles Dugat Survey, A-171, Montgomery County, Texas, being out of a 559.7036 acre tract recorded under Clerk's File No. 99091880, and a 1056.195 acre tract recorded under Clerk's File No. 99056276, Real Property Records, Montgomery County, Texas, Said Tract Two being more particularly described in the metes and bounds as follows: BEING a 1384.84 acre tract of land situated in the Archibald Hodge Survey, A-18, the John Sealy Survey, A-758, the Matthew Cartwright Survey A-135, and the Charles Dugat Survey, A-171, Montgomery County, Texas. Said tract being out of a 559.7036 acre tract recorded under Clerk's File No. 99091880, and a 1056.195 acre tract recorded under Clerk's File No. 99056276, Real Property Records, Montgomery County, Texas. Said 1384.84 acre tract being more particularly described as follows: BEGINNING at a 5/8" iron rod found for at the Northwest corner of Grand Lake Estates, Section Nine recorded in Cabinet "S", Sheet 193 & 194, Real Property Records, Montgomery County, Texas. Said rod being the most easterly Northeast corner of the herein described tract; THENCE S 07 deg. 01' 08" W, a distance of 115.83 feet to a 5/8" iron rod set for corner; THENCE S 11 deg. 19' 39" E, a distance of 362.02 feet to a 5/8" iron rod set for corner; THENCE S 01 deg. 17' 33" E, a distance of 530.31 feet to

a 5/8" iron rod set for corner; THENCE SOUTH, a distance of 147.44 feet to a 5/8" iron rod set for corner; THENCE S 01 deg. 14' 25" W, a distance of 407.79 feet to a 5/8" iron rod set for corner; THENCE S 22 deg. 37' 38" E, a distance of 294.95 feet to a 5/8" iron rod set for corner; THENCE S 58 deg. 40' 50" E, a distance of 243.47 feet to a 5/8" iron rod set for corner; THENCE S 82 deg. 46' 20" E, a distance of 626.07 feet to a 5/8" iron rod set for corner; THENCE S 39 deg. 41' 15" E, a distance of 532.87 feet to a 5/8" iron rod set for corner; THENCE S 32 deg. 40' 13" E, a distance of 218.61 feet to a 5/8" iron rod set for corner; THENCE S 10 deg. 26' 28" W, a distance of 185.29 feet to a 5/8" iron rod set for corner; THENCE S 41 deg. 59' 51" W, a distance of 123.32 feet to a 5/8" iron rod set for corner; THENCE SOUTH, a distance of 200.32 feet to a 5/8" iron rod set for corner; THENCE S 40 deg. 58' 55" E, a distance of 128.48 feet to a 5/8" iron rod set for corner; THENCE S 86 deg. 25' 57" W, a distance of 2446.48 feet to a 1/2" pine knot w/ tack found for corner; THENCE N 02 deg. 34' 42" W, a distance of 1563.07 feet to a fence post found for corner; THENCE S 86 deg. 54' 09" W a distance of 4735.48 feet to a fence post found for corner; THENCE S 02 deg. 25' 04" E, a distance of 1439.10 feet to a 1/2" iron rod found for corner; THENCE S 86 deg. 48' 56" W, a distance of 3747.25 feet to a fence post found for corner; THENCE N 04 deg. 09' 18" W, a distance of 1466.81 feet to a boiler pipe found for corner; THENCE S 87 deg. 18' 57" W, a distance of 1617.56 feet to a 1/2" iron rod found for corner; THENCE S 87 deg. 35' 34" W, a distance of 1612.68 feet to a 1/2" iron rod found for corner; THENCE S 02 deg. 35' 43" E, a distance of 4193.71 feet to a 5/8" iron rod found for corner; THENCE S 86 deg. 47' 39" W, a distance of 481.10 feet to a 5/8" iron rod found for corner; THENCE N 03 deg. 12' 21" W, a distance of 774.33 feet to a 5/8" iron rod found for corner; THENCE S 86 deg. 47' 39" W, a distance of 4894.23 feet to a 5/8" iron rod found for corner; THENCE N 03 deg. 59' 21" W, a distance of 1918.43 feet to a 4" iron rod found for corner; THENCE N 86 deg. 53' 08" E, a distance of 1411.97 feet to a 4" iron rod found for corner; THENCE N 03 deg. 09' 10" W, a distance of 1483.04 feet to a 4" iron rod found for corner; THENCE N 86 deg. 49' 54" E, a distance of 2131.87 feet to fence post found for corner; THENCE N 00 deg. 38' 33" W, a distance of 1909.91 feet to a 5/8" iron rod found for corner; THENCE N 01 deg. 08' 05" W, a distance of 1026.24 feet to a 5/8" iron rod found for corner; THENCE N 00 deg. 15' 16" W, a distance of 112.23 feet to a 5/8" iron rod found for corner; THENCE S 89 deg. 36' 19" E, leaving said curve, a distance of 402.29 to a 5/8" iron rod found for corner; THENCE N 00 deg. 45' 35" W, a distance of 22.99 feet to a 5/8" iron rod set for corner; THENCE following a curve to the left having a radius of 168.97 feet, an arc length of 201.55 feet, a chord bearing of N 33 deg. 24' 39" E, a chord distance of 189.81 feet, and a central angle of 68 deg. 20' 28" to a 5/8" iron rod set for corner; THENCE S 45 deg. 54' 09" E, a distance of 395.72 feet to a 5/8" iron rod set for corner; THENCE S 80 deg. 28' 19" E, a distance of 165.13 feet to a 5/8" iron rod set for corner; THENCE N 64 deg. 02' 23" E, a distance of 298.49 feet to a 5/8" iron rod set for corner; THENCE S 34 deg. 32' 03" E, a distance of 440.01 feet to a 5/8" iron rod set for corner; THENCE S 13 deg. 36' 05" W, a distance of 19.22 feet to a 5/8" iron rod set for corner; THENCE S 80 deg. 00' 00" E, a distance of 255.64

feet to a 5/8" iron rod set for corner; THENCE N 10 deg. 00' 00" E, a distance of 75.46 feet to a 5/8" iron rod set for corner; THENCE S 80 deg. 00' 00" E, a distance of 527.93 feet to a 5/8" iron rod set for corner; THENCE N 13 deg. 49' 27" E, a distance of 371.174 feet to a 5/8" iron rod set for corner; THENCE N 68 deg. 49' 52" W, a distance of 481.42 feet to a 5/8" iron rod set for corner; THENCE N 02 deg. 36' 41" W, a distance of 463.18 feet to a 5/8" iron rod set for corner; THENCE N 39 deg. 43' 35" E, a distance of 66.51 feet to a 5/8" iron rod set for corner; THENCE S 60 deg. 31' 41" E, a distance of 513.34 feet to a 5/8" iron rod set for corner; THENCE S 76 deg. 32' 37" E, a distance of 240.79 feet to a 5/8" iron rod set for corner; THENCE N 42 deg. 56' 06" E, a distance of 514.37 feet to a 5/8" iron rod set for corner; THENCE N 13 deg. 05' 08" W, a distance of 197.92 feet to a 5/8" iron rod set for corner; THENCE N 83 deg. 11' 23" E, a distance of 248.21 feet to a 5/8" iron rod set for corner; THENCE S 13 deg. 05' 08" E, a distance of 16.86 feet to a 5/8" iron rod set for corner; THENCE N 83 deg. 11' 23" E, a distance of 241.60 feet to a 5/8" iron rod set for corner; THENCE N 06 deg. 17' 39" E, a distance of 63.17 feet to a 5/8" iron rod set for corner; THENCE N 34 deg. 26' 11" E, a distance of 66.65 feet to a 5/8" iron rod set for corner; THENCE N 01 deg. 50' 54" W, a distance of 38.31 feet to a 5/8" iron rod set for corner; THENCE N 05 deg. 02' 40" E, a distance of 135.34 feet to a 5/8" iron rod set for corner; THENCE N 83 deg. 11' 23" E, a distance of 46.95 feet to a 5/8" iron rod set for corner; THENCE S 22 deg. 45' 31" E, a distance of 123.44 feet to a 5/8" iron rod set for corner; THENCE S 46 deg. 07' 36" E, a distance of 85.93 feet to a 5/8" iron rod set for corner; THENCE S 27 deg. 13' 26" E, a distance of 199.65 feet to a 5/8" iron rod set for corner; THENCE S 00 deg. 28' 34" W, a distance of 117.40 feet to a 5/8" iron rod set for corner; THENCE S 26 deg. 34' 06" W, a distance of 153.52 feet to a 5/8" iron rod set for corner; THENCE S 09 deg. 43' 52" E, a distance of 87.19 feet to a 5/8" iron rod set for corner; THENCE S 48 deg. 01' 24" E, a distance of 99.11 feet to a 5/8" iron rod set for corner; THENCE N 48 deg. 26' 34" E, a distance of 58.73 feet to a 5/8" iron rod set for corner; THENCE S 72 deg. 47' 01" E, a distance of 52.55 feet to a 5/8" iron rod set for corner; THENCE S 05 deg. 40' 46" W, a distance of 109.61 feet to a 5/8" iron rod set for corner; THENCE N 88 deg. 51' 58" E, a distance of 136.71 feet to a 5/8" iron rod set for corner; THENCE N 23 deg. 45' 12" E, a distance of 373.71 feet to a 5/8" iron rod set for corner; THENCE with a curve to the left, having a radius of 359.90 feet, an arc length of 199.34 feet, a chord bearing of S 71 deg. 31' 28" E, a chord distance of 196.80, and a central angle of 31 deg. 44' 04", to a 5/8" iron rod found for corner; THENCE N 88 deg. 51' 58" E, a distance of 703.56 feet to a 5/8" iron rod found for corner; THENCE S 03 deg. 55' 29" E, a distance of 551.39 feet to a 5/8" iron rod set for corner; THENCE S 04 deg. 03' 59" E, a distance of 191.76 feet to a 5/8" iron rod set for corner; THENCE S 83 deg. 33' 48" E, a distance of 279.69 feet to a 5/8" iron rod set for corner; THENCE S 23 deg. 30' 47" E, a distance of 390.65 feet to a 5/8" iron rod set for corner; THENCE S 66 deg. 33' 01" E, a distance of 359.88 feet to a 5/8" iron rod set for corner; THENCE N 81 deg. 42' 44" E, a distance of 742.77 feet to a 5/8" iron rod set for corner; THENCE S 34 deg. 40' 50" E, a distance of 327.59 feet to a 5/8" iron rod set for corner; THENCE N 88 deg. 56' 36" E, a

distance of 7034.57 feet to a 5/8" iron rod set for corner; THENCE N 86 deg. 29' 16" E, a distance of 939.67 feet to a 5/8" iron rod set for corner; THENCE N 86 deg. 28' 07" E, a distance of 139.29 feet the POINT OF BEGINNING, containing 1384.84 acres of land, more or less.

(b) For the boundaries of the East Montgomery County Utility District No. 4: "

(4) Amend the caption to conform to the body of the bill.

Representative Hope moved to table Amendment No. 2.

The motion to table prevailed.

SB 774 (Solomons - House Sponsor), A bill to be entitled An Act relating to revolving credit accounts.

SB 804 (Y. Davis - House Sponsor), A bill to be entitled An Act relating to accommodations and work assignments for certain pregnant Department of Public Safety officers.

SB 822 (Miller - House Sponsor), A bill to be entitled An Act relating to the validation of the creation and certain actions and proceedings of the Middle Trinity Groundwater Conservation District and to related conforming changes to the district's enabling act.

SB 842 (Capelo, Zedler, Naishtat, and Coleman - House Sponsors), A bill to be entitled An Act relating to issuance of certain licenses by the Texas Board of Chiropractic Examiners.

CSSB 861 (Marchant - House Sponsor), A bill to be entitled An Act relating to access to birth records under the public information law.

Amendment No. 1

On behalf of Representative Reyna, Representative Marchant offered the following amendment to **CSSB 861**:

Amend **CSSB 861** as follows:

On page 3, line 10, after "official" insert the following:

, but such birth records shall not be made available to the public until the 75th anniversary of the date of birth as shown on the record

On page 3, line 11, strike subsection (e).

Amendment No. 1 was adopted without objection.

SB 892 (Laney - House Sponsor), A bill to be entitled An Act relating to the appointment of the board of managers of certain emergency communication districts.

SB 899 (R. Cook - House Sponsor), A bill to be entitled An Act relating to the fees of office and reimbursement of directors of groundwater conservation districts.

SB 919 (Elkins - House Sponsor), A bill to be entitled An Act relating to the kinds of mail service that may be used under the public information law to send a notice or any other document to a person.

SB 965 (Gutierrez - House Sponsor), A bill to be entitled An Act relating to documentation in certain transactions involving a pawnbroker.

Representative Gutierrez moved to lay **SB 967** on the table subject to call.

The motion prevailed without objection.

SB 995 (Solomons - House Sponsor), A bill to be entitled An Act relating to certain changes to the uniform law on secured transactions.

SB 1018 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the appointment of a bailiff for the 106th District Court.

Representative Hartnett moved to postpone consideration of **SB 1018** until the end of the local and consent calendar.

The motion prevailed without objection.

SB 1022 (Lewis - House Sponsor), A bill to be entitled An Act relating to emergency services districts.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Casteel, Representative Lewis offered the following committee amendment to **SB 1022**:

Amend **SB 1022** by adding the following appropriately numbered section and by renumbering the remaining sections as appropriate:

SECTION __. Section 775.013(a), Health and Safety Code, as amended by Chapters 886 and 1333, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

(a) The petition prescribed by Section 775.011 or 775.012 must show:

(1) that the district is to be created and is to operate under Article III, Section 48-e, Texas Constitution, and Chapter 775;

(2) the name of the proposed district;

(3) the proposed district's boundaries as designated by metes and bounds or other sufficient legal description;

(4) the services that the proposed district will provide;

(5) that the creation of the proposed district complies with Sections 775.020 and 775.0205; ~~and~~

(6) the mailing address of each petitioner; and

(7) ~~(6)~~ the name of each municipality whose consent must be obtained under Section 775.014.

Amendment No. 1 was adopted without objection.

SB 1053 was withdrawn.

SB 1070 (J. Keffer - House Sponsor), A bill to be entitled An Act relating to the procedures of the Texas Workforce Commission.

SB 1071 (J. Keffer - House Sponsor), A bill to be entitled An Act relating to requirements for voluntary payments of unemployment compensation contributions.

SB 1072 (J. Keffer - House Sponsor), A bill to be entitled An Act relating to judicial review of a Texas Workforce Commission decision in an unemployment compensation proceeding.

SB 1136 (Capelo, Truitt, Zedler, and Coleman - House Sponsors), A bill to be entitled An Act relating to access to certain private medical information.

Representative Capelo moved to postpone consideration of **SB 1136** until the end of the local and consent calendar.

The motion prevailed without objection.

CSSB 1211 (Haggerty - House Sponsor), A bill to be entitled An Act relating to collateral protection insurance.

SB 1251 (Flores - House Sponsor), A bill to be entitled An Act relating to agreements for the electronic processing of certain licenses or permits.

SB 1281 was withdrawn.

SB 1282 (Elkins - House Sponsor), A bill to be entitled An Act relating to notice provided to certain entities that self-insure for workers' compensation purposes.

SB 1326 (J. Jones and B. Keffer - House Sponsors), A bill to be entitled An Act relating to the municipal regulation of single-family and duplex industrialized housing.

Amendment No. 1

On behalf of Representative Reyna, Representative J. Jones offered the following amendment to **SB 1326**:

Amend the committee report for **SB 1326** on page 2, line 5 by inserting the words "roof pitch," in between the words "roofing," and "foundation fascia,".

Amendment No. 1 was adopted without objection.

SB 1356 (Capelo, Truitt, Naishtat, and Coleman - House Sponsors), A bill to be entitled An Act relating to the adoption of rules restricting the use of a medical practitioner's Federal Drug Enforcement Administration number.

Representative Geren moved to lay **SB 1378** on the table subject to call.

The motion prevailed without objection.

SB 1418 (Marchant - House Sponsor), A bill to be entitled An Act relating to ex officio appointments of members of the Texas Senate to boards and commissions.

CSSB 1429 (Flynn - House Sponsor), A bill to be entitled An Act relating to certain agreements offered in connection with a loan.

Amendment No. 1

Representatives Flynn and Solomons offered the following amendment to **CSSB 1429**:

Amend **CSSB 1429** as follows:

(1) In SECTION 2 of the bill, in added Section 342.4021, Finance Code (House committee printing page 1, line 11), between "CANCELLATION," and "GAP", insert "AND".

(2) In SECTION 2 of the bill, in added Section 342.4021, Finance Code (House committee printing page 1, line 11), strike "AND MOTOR VEHICLE SERVICE".

(3) In SECTION 2 of the bill, in added Section 342.4021(b), Finance Code (House committee printing page 1, line 20), strike "a service contract, or both".

(4) In SECTION 2 of the bill, at the end of added Section 342.4021, Finance Code (House committee printing page 2, between lines 4 and 5), insert:

(e) The amount charged for a product authorized by Subsection (a) or (b) must be reasonable.

Amendment No. 1 was adopted without objection.

CSSB 1439 (Corte - House Sponsor), A bill to be entitled An Act relating to federal matching funds for certain projects at military facilities in this state.

Representative Deshotel moved to lay **CSSB 1449** on the table subject to call.

The motion prevailed without objection.

Representative Deshotel moved to lay **SB 1451** on the table subject to call.

The motion prevailed without objection.

SB 1457 (Corte and Noriega - House Sponsors), A bill to be entitled An Act relating to the qualifications for appointment as adjutant general.

SB 1464 (Hamric - House Sponsor), A bill to be entitled An Act relating to enforcement of the collection of certain tolls; providing a penalty.

Amendment No. 1 (Committee Amendment No. 1)

Representative Hamric offered the following committee amendment to **SB 1464**:

Amend **SB 1464** (engrossed version) as follows:

(1) In SECTION 3 of the bill, in proposed Section 284.2031, Transportation Code (page 5, lines 5-6), strike "or liable for an administrative violation under Section 284.208".

(2) After SECTION 5 of the bill (page 7, between lines 7 and 8), insert the following SECTION:

SECTION 6. Section 284.208, Transportation Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) If a person is found liable under Subsection (a) for a violation of the order, a county may impose, in addition to other costs, \$1 as a cost associated with the hearing.

(e) Money collected under Subsection (d) shall be deposited in the county treasury in a special fund to be administered by the county attorney or district attorney. Expenditures from this fund shall be at the sole discretion of the

attorney and may be used only to defray the salaries and expenses of the prosecutor's office, but in no event may the county attorney or district attorney supplement his or her own salary from this fund.

(3) Renumber the remaining SECTIONS of the bill accordingly.

Amendment No. 1 was adopted without objection.

SB 1489 (Wohlgemuth - House Sponsor), A bill to be entitled An Act relating to recruiting foster parents from certain organizations and immunity from liability of those organizations.

CSSB 1504 (Krusee - House Sponsor), A bill to be entitled An Act relating to the regulation of motor vehicle sales and the powers and duties of the Motor Vehicle Board of the Texas Department of Transportation.

SB 1526 (McCall - House Sponsor), A bill to be entitled An Act relating to collection and use of information in connection with licensing regarding a retail installment transaction involving a motor vehicle.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Solomons, Representative McCall offered the following committee amendment to **SB 1526**:

SB 1526, Senate engrossment, is amended as follows:

On page 1, line 10, after "other", insert "application".

Amendment No. 1 was adopted without objection.

SB 1527 (Solomons - House Sponsor), A bill to be entitled An Act relating to a purchaser's right to cure default under an executory contract for conveyance.

CSSB 1552 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the creation and composition of certain county courts at law.

CSSB 1565 (Uresti - House Sponsor), A bill to be entitled An Act relating to allowing a municipality to create a defense adjustment management authority; authorizing taxes and bonds.

Amendment No. 1

On behalf of Representative Reyna, Representative Uresti offered the following amendment to **CSSB 1565**:

Amend **CSSB 1565** as follows:

On Page 7, Line 11, by striking 11 through 17.

CSSB 1565 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE PUENTE: Mr. Uresti, first let me say that I support your bill, and I support the amendment that you just laid out. But there's some things I want to make clear about some negotiations regarding the amendment. That amendment is a result of negotiations between you, me, Senator Madla, and Mayor Garza of San Antonio. Is that correct?

REPRESENTATIVE URESTI: That is correct, Mr. Puente.

PUENTE: In return for striking the language of Section G of Section 375.310, Mayor Garza is going to pursue certain restrictions and requirements when the city of San Antonio grants TIF, tax increment financing, and tax abatements.

URESTI: Exactly.

PUENTE: Among those prohibitions of TIF and tax abatements—a prohibition of them over the Edwards recharge zone, unless certain environmental restrictions and protections are negotiated with the city and with SAS?

URESTI: That's correct.

PUENTE: And there will be no grandfathering of pending applications?

URESTI: That's correct.

PUENTE: Thank you, sir.

REMARKS ORDERED PRINTED

Representative Villarreal moved to print remarks between Representative Uresti and Representative Puente.

The motion prevailed without objection.

Amendment No. 1 was adopted without objection.

SB 1572 (Giddings - House Sponsor), A bill to be entitled An Act relating to workers' compensation treatment guidelines and protocols.

CSSB 1574 (Giddings - House Sponsor), A bill to be entitled An Act relating to the administration and regulation of the state's workers' compensation insurance system.

CSSB 1581 (B. Keffer - House Sponsor), A bill to be entitled An Act relating to excepting an audit working paper of a county auditor or a municipal auditor from required disclosure under the public information law.

SB 1606 (Taylor - House Sponsor), A bill to be entitled An Act relating to residential property insurance provided under the FAIR Plan Act.

SB 1639 (Hope - House Sponsor), A bill to be entitled An Act relating to regulation of spacing and production of groundwater from aquifers by a groundwater conservation district.

Amendment No. 1

Representative Hope offered the following committee amendment to **SB 1639**:

Amend **SB 1639** by adding subsection (e) to read as follows:

(e) In regulating the production of groundwater, a district shall select a method under Subsection (a)(2) that is appropriate based on the hydrogeological conditions of the aquifer on aquifers in the district.

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative Reyna, Representative Hope offered the following amendment to **SB 1639**:

Amend **SB 1639** as follows:

(1) On page 1, line 6, striking "Subsection (d)" and substitute "Subsections (d) and (e)".

(2) On page 1, between lines 17 and 18, insert a new Subsection (e) to Section 36.116, Water Code, to read as follows:

(e) In regulating the production of groundwater under Subsection (a)(2), a district:

(1) shall select a method that is appropriate based on:

(A) the hydrogeological conditions of the aquifer or aquifers in the district; or

(B) the goals of the district's management plan; and

(2) may limit the amount of water produced based on contiguous surface acreage.

Amendment No. 2 was adopted without objection.

SB 1647 (Hope - House Sponsor), A bill to be entitled An Act relating to a timeshare developer's ability to complete certain documents.

SB 1663 (Hopson - House Sponsor), A bill to be entitled An Act relating to private activity bonds.

SB 1669 (Corte - House Sponsor), A bill to be entitled An Act relating to military leave for certain public employees.

SB 1694 (Swinford - House Sponsor), A bill to be entitled An Act relating to state agency internal auditing.

SB 1803 was withdrawn.

Representative Hilderbran moved to lay **SB 1877** on the table subject to call.

The motion prevailed without objection.

SB 1887 was previously passed.

SB 1892 (Capelo - House Sponsor), A bill to be entitled An Act relating to the lease and use for economic development purposes of certain property transferred by the State of Texas to the City of Corpus Christi.

SB 1884 (Howard - House Sponsor), A bill to be entitled An Act relating to the assumption of road utility district authority by the Sienna Plantation Levee Improvement District of Fort Bend County, Texas, including the authority to impose taxes and issue bonds.

SCR 21 (Chavez - House Sponsor), Memorializing Congress to require the United States-Mexico Border Health Commission to coordinate a benchmark health study of each of the adjoining states.

SB 1018 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the appointment of a bailiff for the 106th District Court.

SB 1136 (Capelo, Truitt, Zedler, and Coleman - House Sponsors), A bill to be entitled An Act relating to access to certain private medical information.

SB 1136 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ISETT: Chairman Capelo, it is my understanding that this piece of legislation only deals—and I'm looking at Section 181.005, on page 6, Duty to the Commissioner. And I just want to make sure that we understand that this only deals with a certain narrow section of HIPA law or HIPA requirements dealing mostly with definitions. Is that your understanding?

REPRESENTATIVE CAPELO: That is correct.

ISETT: And the intent of the law is not to allow the commissioner—when the Texas law is more stringent with regard to medical privacy. The intent of the law is not to allow the commissioner to move the Texas standard down to the HIPA requirement, but rather, in times when the HIPA requirement is more stringent than Texas law, to move that law up and thus avoid a constitutional question. Is that your understanding?

CAPELO: That's correct.

ISETT: Thank you.

REMARKS ORDERED PRINTED

Representative Isett moved to print remarks between Representative Isett and Representative Capelo.

The motion prevailed without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 44).

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, upon first adjournment today, Desk 8, for a formal meeting, to consider **SB 411** and **SB 954**.

Environmental Regulation, upon first adjournment today, Desk 3, for a formal meeting, to consider pending business.

Higher Education, upon first adjournment today, Desk 86, for a formal meeting, to consider senate bills.

Natural Resources, upon first adjournment today, Desk 112, for a formal meeting, to consider **SB 1930**.

Public Health, upon first adjournment today, Desk 104, for a formal meeting, to consider **SB 56**, **SB 399**, **SB 594**, **SB 788**, **SB 1062**, and **SB 1392**.

Criminal Jurisprudence, upon first adjournment today, Desk 59, for a formal meeting, to consider **SB 1188** and **SB 1306**.

Border and International Affairs, upon final adjournment today, Desk 75, for a formal meeting, to consider senate bills.

HR 1448 - ADOPTED
(by Quintanilla)

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 1448**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1448, Honoring Sara J. Long for her many years of service with Clint Independent School District.

HR 1448 was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Quintanilla who introduced Sara J. Long and her family.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Cultural and Recreational Resources, upon first adjournment today, Desk 69, for a formal meeting, to consider **SB 470**, **SCR 41**, and **SCR 55**.

State Affairs, upon first adjournment today, Desk 17, for a formal meeting, to consider **SB 319** and pending business.

ADJOURNMENT

Representative Geren moved that the house adjourn until 11:45 a.m. today.

The motion prevailed without objection.

The house accordingly, at 11:32 a.m., adjourned until 11:45 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 44

HB 275, HB 296, HB 545, HB 681, HB 874, HB 883, HB 900, HB 980, HB 1174, HB 1199, HB 1264, HB 1307, HB 1366, HB 1439, HB 1471, HB 1536, HB 1666, HB 1937, HB 2093, HB 2348, HB 2351, HB 2384, HB 2679, HB 2682, HB 3149, HB 3377, HB 3386, HB 3477, HB 3542, HCR 52, HCR 71, HCR 128, HCR 149

MESSAGE FROM THE SENATE

The following message from the senate was today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Friday, May 23, 2003

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**HCR 248**

Hilderbran

SPONSOR: Barrientos

Recognizing Hill's Cafe in Austin as the home of the Texas Heritage Songwriters Collection.

SB 1952

Ellis, Rodney

Relating to the reorganization of, efficiency in, regulation by, and other reform measures applying to state government; providing penalties.

Respectfully,

Patsy Spaw

Secretary of the Senate